

Express Mail No. EL 500 578 530 US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Mueller *et al.*

Serial No. 09/706,583

Filed: November 3, 2000

For: METHOD AND MONITOR FOR
ENHANCING ANGIOGENESIS IN
THE HEART BY EXERCISE
FOLLOW UP

Art Unit: 3762

Examiner: Francis P. Oropeza

Attorney Docket:

10177-137-999

(Formerly 5756-0008.30)

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#12
B. Webb
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OFFICIAL

RESPONSE TO RESTRICTION REQUIREMENTAssistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

In response to the Office Action mailed July 16, 2002, in which the Examiner imposed a restriction requirement, please consider the following remarks. Submitted concurrently herewith is a Petition to Revive Unintentionally Abandoned Application Under 37 C.F.R. § 1.187(b).

The Examiner required restriction under 35 U.S.C. § 121 to one of the following groups:

Group I. Claims 1-7, drawn to a method of treating a patient for ischemia; classified in class 600, subclass 500; and

Group II. Claims 8-9, drawn to a monitor worn after a surgical procedure; classified in class 600, subclass 500.

Accordingly, Applicants elect to prosecute Group I, claims 1-7, in this application. Applicants fully reserve the right to prosecute the subject matter of the non-elected claims in a subsequent application.

No fee is believe due for this submission other than the fee indicated in the accompanying Petition to Revive Unintentionally Abandoned Application under 37 C.F.R. § 1.137(b). Should any additional fees be required, please charge such fees to Pennie & Edmonds LLP Deposit Account No. 16-1150.

Respectfully submitted,

Gidon D. Stern

Date: February 18, 2003

By: *Gidon D. Stern* 27,469
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